

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION FIVE**

CENTRAL PARKING SYSTEM OF	)	No. ED104361
MISSOURI, LLC,	)	
	)	
Respondent,	)	Appeal from the Circuit Court of
	)	the City of St. Louis
vs.	)	
	)	Honorable David L. Dowd
TUCKER PARKING HOLDINGS, LLC AND	)	
TUCKER PARKING EQUITIES, LLC,	)	
	)	
Appellants.	)	Filed: April 18, 2017

Tucker Parking Holdings, LLC and Tucker Parking Equities, LLC (collectively “Tucker”) appeals from the judgment of the Circuit Court of the City of St. Louis in favor of Central Parking System of Missouri, LLC (“Central”). This case arises out of a dispute between the parties over who is responsible for the expenses relating to the near-collapse of a parking garage owned by Tucker, and operated and leased by Central. The trial court determined that Tucker was responsible for the expenses, and granted Central damages in the amount of \$4,161,424.76 for costs Central paid to evacuate and stabilize the parking garage.

**AFFIRMED**

**Division Five Holds:**

- (1) the trial court was not required to conduct the “proximate cause” analysis suggested by Tucker on appeal, since Tucker failed to raise the argument before the trial court and Tucker’s argument is inconsistent with the trial court’s findings of fact;
- (2) equitable estoppel did not apply to preclude Central’s recovery under the Lease; and
- (3) Central properly established a claim for quantum meruit.

Opinion by: Philip M. Hess, C.J.  
Sherri B. Sullivan, J., Gary M. Gaertner, Jr. concur.

Attorney for Appellants: Mark E. Goodman  
Amy L. Fehr – Co-counsel

Attorney for Respondent: Jan P. Miller  
Brian A. Lamping, Booker T. Shaw – Co-counsel

<b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b>
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